



Order Filed on February 23, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

23-02639 BKMFR01
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Attorneys for Wilmington Savings Fund Society, FSB,
not in its individual capacity but solely as trustee of
MFA 2021-NQM2 Trust

In Re:

CHRISTIAN G MONNE

Case No: 23-10870-JKS

Hearing Date: January 25,
2024

Judge: JOHN K.
SHERWOOD

Chapter: 13

Recommended Local Form

☐ Followed

☒ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is **ORDERED**.

DATED: February 23, 2024

A handwritten signature in black ink, appearing to read "J K Sherwood", written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

Applicant:	<u>Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as trustee of MFA 2021-NQM2 Trust</u>
Applicant's Counsel:	<u>Matthew Fissel, Esquire, Brock & Scott, PLLC</u>
Debtor's Counsel:	<u>Jamal J Romero, Esquire</u>
Property Involved ("Collateral"):	<u>33 Graydon Terrace, Clifton, NJ 07013</u>

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 4 months, from October 1, 2023 to January 1, 2024.

☒ The Debtor is overdue for 2 payments at \$2,503.83 per month, for 2 payments at \$2,532.68 per month.

☐ The Debtor is assessed for _____ late charges at \$ _____ per month.

☐ Applicant acknowledges receipt of funds in the amount of \$ _____ received after the motion was filed.

☒ There is currently \$800.15 being held in Debtor's suspense account.

Total Arrearages Due: \$9,272.87

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$ _____. Payment shall be made no later than _____.

☒ Beginning on February 1, 2024, regular monthly mortgage payments in the amount of \$2,532.68 shall resume.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$ _____ for _____ months.

☒ The amount of \$9,272.87 shall be capitalized in the Debtor's remaining Chapter 13 Plan payments. Debtor shall file a Modified Plan within fifteen (15) days of entry of this Order.

3. Payments to the Applicant shall be made to the following address:

☐ Immediate payment:

☒ Regular monthly payment:

Wilmington Savings Fund Society FSB, 9726
Old Bales Road, Ste. 200, Fort Mill, SC 29707

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to modify their Chapter 13 Plan within fifteen (15) days from the entry of this Order by the Court, or fails to make any regular monthly mortgage payment within thirty (30) days of the date it becomes due, then the Applicant may obtain an Order vacating, terminating, and/or annulling the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ If the bankruptcy case is dismissed or converted, this Agreement is void and the instant bankruptcy case will not act to impose the automatic stay against the Applicant's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$500.00, and costs of \$199.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Applicant within _____ days.

☐ Attorneys' fees are not awarded.